

TAKING OF TESTIMONY IN CRIMINAL CASES.

H. J. R. No. 2.]

To amend Section 10, Article 1, of the Constitution of the State of Texas, providing for certain rights of accused persons in criminal prosecutions, and the manner in which the case may be prosecuted, and providing for the procuring of the testimony of the witnesses for both defense and prosecution.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. That Section (10) of Article (1) of the Constitution of the State of Texas be so amended that the same will read and hereafter be as follows:

Section (10). In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

SEC. 2. The Governor of this State is hereby directed to issue the necessary proclamation for the submission of this amendment to the qualified voters of this State at the next general election for State and county officers.

SEC. 3. The qualified electors for members of the Legislature shall vote upon said amendment at the said general election and at which election all persons favoring said amendment shall have written or printed on the ballot the following: "For amendment to Section 10, Article 1 of the Constitution, providing for prosecution of criminal cases by information, or indictment, and taking of testimony of witnesses by deposition, under certain circumstances," and those opposed to such amendment shall have written or printed on the ballot as follows: "Against the amendment to Section 10, Article 1 of the Constitution."

SEC. 4. The sum of five thousand (\$5,000) dollars or so much thereof as may be necessary is hereby appropriated out of any funds of the State Treasury of the State not otherwise appropriated to pay the expense of publishing, proclamation, and election.

[NOTE.—H. J. R. No. 2 passed the House of Representatives by a two-thirds vote, yeas 123, nays 4; and passed the Senate with amendments, by a two-thirds vote, yeas 21, nays 4; and the House concurred in Senate amendments by a two-thirds vote, yeas 123, nays 0.

Approved March 10, 1917.